

DEPARTMENT OF LICENSING
FUNERAL AND CEMETERY OFFICE

MEMORANDUM

DATE: April 27, 2006
TO: Funeral Service Licensees
FROM: Dennis McPhee
SUBJECT: State Board of Health Revised Rule Proposal

I would encourage all funeral service licensees to review and comment on the most recent draft (discussion draft 04-20-06) of proposed rule language from the State Board of Health, concerning the Handling of Human Remains.

This rule draft is open for discussion and consideration, so your input is important. Comments can be sent directly to Ned Therien, Health Policy Analyst for the State Board of Health, through the following options:

Mail: Ned Therien, R.S.
Health Policy Analyst
Washington State Board of Health
P.O. Box 47990
Olympia, WA 98504-7990
Phone: (360) 236-4103
Fax: (360) 236-4088

E-Mail: ned.therien@doh.wa.gov

If you choose to send comments to me, I will forward them to Ned Therien and include them in the board's discussion materials for the next meeting of the Board of Funeral Directors and Embalmers. You may contact me through the following options:

Mail: Dennis McPhee
Funeral and Cemetery Office
P.O. Box 9012
Olympia, WA 98507
Phone: (360) 664-1555
Fax: (360) 664-1495

E-Mail: dmcphoe@dol.wa.gov

Proposed New Chapter 246-500 WAC
Handling of Human Remains

Note: Red, underlined lettering shows proposed replacement or additions to current rule language in Chapter 246-490 WAC, for ease of comparison. Blue underlined lettering shows revisions to February discussion draft.

246-500-010

Definitions.

(1) The following definitions apply to this chapter.

(a) "Barrier precaution" means protective attire, equipment, or other physical barriers worn to protect or prevent exposure of skin and mucous membranes of the wearer to infected or potentially infected blood, tissue, and body fluids.

(b) "Burial transit permit" means a form, approved and supplied by the state registrar of vital statistics as described in chapter 70.58 RCW, identifying the name of the deceased, date and place of death, general information, disposition and registrar and sexton information.

(c) "Coroner" means the county official described under chapter 36.24 RCW and RCW 36.16.030.

(d) "Department" means the Washington state department of health.

(e) "Embalmer" means a person licensed under chapter 18.39 RCW and defined in RCW 18.39.010.

(f) "Funeral director" means a person licensed under chapter 18.39 RCW and defined in RCW 18.39.010.

(g) "Health care provider" means any person having direct or supervisory responsibility for the delivery of health care or medical care including persons licensed in Washington state under Title 18 RCW to practice medicine, podiatry, chiropractic, optometry, osteopathy, nursing, midwifery, dentistry, physician assistant, and military personnel providing health care within Washington state regardless of licensure.

(h) "Local registrar of vital statistics" means the health officer or administrator who registers certificates of birth and death occurring in his or her designated registration district under chapter 70.58 RCW.

(i) "Medical examiner" means a physician appointed by the county legislative authority to replace the coroner under RCW 36.24.190.

246-500-020

Contact with human remains.

(1) Funeral directors, embalmers, medical examiners, coroners, health care providers, and others directly handling or touching human remains shall:

(a) Wash hands and other exposed skin surfaces with soap and water or equivalent immediately and thoroughly after contact with human remains, blood, or body fluids;

(b) Use barrier precautions **if** a procedure involves potential contact with blood, body fluids, or **internal** tissues of the deceased;

(c) Not eat, drink, or smoke in areas where handling of human remains or body fluids takes place;

(d) Use reasonable precautions to prevent spillage of body fluids during transfer and transport of human remains including, when necessary:

(i) Containing, wrapping, or pouching with materials appropriate to the condition of the human remains; and

(ii) Obtaining approval from the coroner or medical examiner prior to pouching any human remains under their jurisdiction.

(e) Wash hands immediately after gloves are removed;

(f) Take precautions to prevent injuries by needles, scalpels, instruments, and equipment during use, cleaning, and disposal;

(g) Properly disinfect or discard protective garments and gloves immediately after use;

(h) Properly disinfect all surfaces, instruments, and equipment used if in contact with human remains, blood, or body fluids;

(i) Provide appropriate disposal of body fluids, blood, tissues, and wastes including:

(i) Equipping autopsy rooms, morgues, holding rooms, preparation rooms, and other places with impervious containers;

(ii) Lining containers with impervious, disposable material;

(iii) Equipping disposal containers with tightly fitting closures;

(iv) Destroying contents of disposal containers by methods approved by local ordinances and requirements related to disposal of infectious wastes;

(v) Immediately disposing of all fluids removed from bodies into a sewage system approved by the local health jurisdiction or by the department; and

(vi) Disinfecting immediately after use all containers and cans used to receive solid or fluid material taken from human remains.

(2) Persons responsible for transfer or transport of human remains **must** clean and disinfect equipment and the vehicle if **soiled with** body fluids **or any other portion of human remains**.

246-500-030

Refrigeration or embalming of human remains.

(1) Funeral directors, embalmers, and others assisting in the preparation of human remains for final disposition shall refrigerate or embalm the remains upon receipt.

(2) Funeral directors, embalmers, and others assisting in the preparation of human remains for final disposition may delay refrigeration or remove human remains from refrigeration for the following activities unless the local health officer, medical examiner, or other physician who has examined the deceased indicates that doing so would pose a direct threat to human health:

(a) Embalming;

(b) Transporting;

(c) Viewing for identification for a period of time not to exceed two hours by a family member or person otherwise best qualified to identify the deceased;

(d) Washing, anointing, clothing, or otherwise preparing the deceased by family members or other persons acting according to the religious beliefs of the deceased for a period of time not to exceed 24 hours, provided that anyone directly touching the human remains uses barrier precautions according to requirements under WAC 246-500-020(b);

(e) Viewing, reading to, praying over, singing to, sitting with, guarding, or otherwise accompanying the deceased without direct contact with human remains by family and community members for a period of time not to exceed 72 hours; or

(f) As otherwise approved by the local health officer after evaluating specific circumstances; the need to protect public health; and recognition of religious and cultural traditions.

(3) Nothing in this section prevents a funeral director or embalmer from:

(a) Charging fees allowed by law in the normal course of business for services provided in accordance with this section;

(b) Requiring the signing of informed consent forms;

(c) Limiting the handling of human remains in his or her facility to prevent a direct threat to the health of employees or the public; or

(d) Imposing additional restrictions on the handling of human remains in his or her establishment for reasons of risk management, aesthetics, or other business practices; if the funeral director or embalmer:

(i) Informs the representative of the deceased that additional restrictions are not required by law; and

(ii) Makes every reasonable effort to facilitate transfer of the human remains to another setting to accommodate the religious or cultural mourning practices of the deceased.

246-500-040

Transportation of human remains.

(1) Persons who transport human remains shall:

(a) Use effective hygienic measures consistent with handling potentially infectious material;
and

(b) Obtain a burial-transit permit or temporary notice of removal from the local health officer or local registrar of vital statistics prior to transporting human remains and possess the permit or temporary notice of removal while transporting the remains to the place of final disposition.

(2) Prior to transporting human remains by common carrier, persons responsible for preparing and handling the remains shall:

(a) Enclose the casket or transfer case in a tightly closed, securely constructed outer shipping case;

(b) Obtain and enclose the burial-transit permit in a sturdy envelope;

(c) Attach the burial-transit permit to the shipping case; and

(d) Transport human remains pending final disposition only if:

(i) The remains are thoroughly embalmed, or

(ii) The remains are prepared by:

(A) Packing orifices with a material saturated with a topical preservative;

(B) Wrapping the remains in absorbent material approximately one inch thick and saturated with a preservative or coating the remains with heavy viscosity preservative gel;

(C) Placing the remains in a lightweight, disposable burial pouch; and

(D) Placing the disposable burial pouch inside a heavy-weight waterproof pouch, which is then appropriately sealed along the zippered area with a substance such as collodion.

(3) Persons responsible for human remains routed to the point of final destination on a burial-transit permit:

(a) May temporarily hold the remains at a stopover point within the state of Washington for funeral or other purposes without an additional permit; and

(b) Must surrender the burial-transit permit to the sexton or crematory official at the point of interment or cremation.

(4) Sextons and cremation officials shall accept the burial-transit permit as authority for

interment in a cemetery or cremation within the state of Washington.

246-500-050

Cremated human remains.

(1) Other than the provisions in this section, this chapter does not apply to human remains after cremation.

(2) A local registrar, in cooperation with the Washington state cemetery board, may issue a permit for disposition of cremated human remains. The permit for the disposition of cremated human remains may be used in connection with the transportation of cremated human remains by common carrier or other means.

(3) The department of health may issue a permit for the disposition of cremated human remains which have been in the lawful possession of any person, firm, corporation, or association for a period of 90 days or more. This permit requires the disposition of cremated human remains to be consistent with Washington state laws and rules.

246-500-060

Authority of the local health officer.

To protect public health and respond to emergency situations, the local health officer may:

(1) Impose additional requirements for the handling, care, transport, or disposition of human remains; or

(2) Suspend any requirements of this chapter.
